

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3076
)	
Plaintiff,)	MEMORANDUM
vs.)	AND ORDER
)	
ANDREW R. GRASMICK,)	
)	
Defendant.)	

This matter is before the court on a report and recommendation by Magistrate Judge Piester (filing 14), recommending denial of Defendant's motion to dismiss (filing 11). Pursuant to NECrimR 57.3 and 28 U.S.C. § 636(b)(1), Defendant has filed a statement of objections to the report and recommendation (filing 15).

I have conducted a de novo review. I find that inasmuch as the Magistrate Judge has fully, carefully, and correctly found the facts and applied the law, Defendant's objections should be denied, the report and recommendation should be adopted, and Defendant's motion should be denied. Accordingly,

IT IS ORDERED that:

- 1) the Magistrate Judge's report and recommendation (filing 14) is adopted;
- 2) Defendant's objections to the report and recommendation (filing 15) are denied; and
- 3) Defendant's motion to dismiss (filing 11) is denied in all respects.

August 29, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge